

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

SIMON CHO, HAE CHO

v.

WELLS FARGO BANK, N.A.

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Civil Action No. 4:16-CV-256

(Judge Mazzant/Judge Nowak)

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On February 17, 2017, the report of the Magistrate Judge (Dkt. #63) was entered containing proposed findings of fact and recommendations that each of Defendant's Motion to Dismiss (Dkt. #25) and Defendant's Supplemental Motion to Dismiss (Dkt. #48) be granted in part and denied in part.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court.

It is, therefore, **ORDERED** that each of Defendant's Motion to Dismiss (Dkt. #25) and Defendant's Supplemental Motion to Dismiss (Dkt. #48) is **GRANTED IN PART AND DENIED IN PART**, and Plaintiffs' request for forfeiture of principal and interest in connection with a declaratory judgment is **DISMISSED**.

IT IS SO ORDERED.

SIGNED this 14th day of March, 2017.


AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE